

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSHUA N. PEACOCK,

Plaintiff,

v.

Civ. No. 19-942 MV/GBW

LEA COUNTY DETENTION CENTER,
all administrators and staff,

Defendants.

ORDER TO CURE DEFICIENCIES

THIS MATTER is before the Court on the pro se handwritten Civil Complaint by Plaintiff Joshua Noah Peacock. *Doc. 1*. The Court determines that the pro se filing is deficient because it is not in proper form or signed under penalty of perjury by Plaintiff.

Plaintiff's filing consists of a one-page Civil Complaint (*id.* at 1) and an accompanying transmittal letter (*id.* at 2–4). The Civil Complaint states:

1. Defendant resides, or may be found in, address listed above where cause of action arose and in the County of Lea, New Mexico.
2. Plaintiff claims from Defendant/s (as cause arose on State, Federal, County, & City Property), under government employ a total of 256-356 million dollars from each of the overseeing agencies who employ the individuals who work at the Lea County Detention Center.
3. *Trial by jury is demanded.*
3. Plaintiff's Claims arises from → 3. For the use of *Excessive Force, Deliberate Indifference, & Assault* by Staff. (From last 2 times I was incarcerated there).

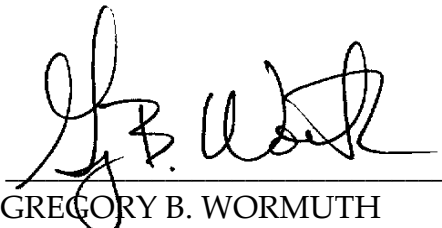
Id. at 1 (errors and emphasis in original). Plaintiff's filing appears to assert civil rights claims under 42 U.S.C. § 1983 or *Bivens v. Six Unknown Named Agents of Fed. Bureau of*

Narcotics, 403 U.S. 388 (1971). *See doc. 1* at 1. A civil rights complaint under 42 U.S.C. § 1983 or *Bivens* is the exclusive vehicle for vindication of substantive rights under the Constitution. *See Baker v. McCollan*, 443 U.S. 137, 144 n.3 (1979); *Albright v. Oliver*, 510 U.S. 266, 271 (1994) (claims against state actors must be brought under 42 U.S.C. § 1983). The filing is not in proper form to assert civil rights claims and is not signed under penalty of perjury.

Plaintiff must cure the deficiencies if he wishes to pursue his claims. The deficiencies must be cured within **thirty (30) days** of entry of this Order. Plaintiff must include the civil action number, CV 19-942 MV/GBW, on all papers he files in this proceeding. If Plaintiff fails to cure the deficiencies within thirty (30) days, the Court may dismiss this proceeding without further notice.

IT IS ORDERED that, within thirty (30) days of entry of this Order, Plaintiff Joshua N. Peacock cure the deficiencies by filing a prisoner civil rights complaint in proper form.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to mail to Plaintiff, together with a copy of this order, a form prisoner civil rights complaint under 42 U.S.C. § 1983, with instructions.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE